

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2763 OF 2006

Tariq Abdul Karim Parveen ...Petitioner.

Vs.

The State of Maharashtra ...Respondent.

.....
Mr.S.G.Abbas Kazmi, Advocate for the Petitioner.
Mr.S.R.Borulkar, Public Prosecutor with
Mr.S.S.Pednekar, APP, for the Respondent-State.
.....

CORAM : SMT.RANJANA DESAI AND
SMT.V.K.TAHILRAMANI, JJ.

DATED : JANUARY 19, 2007.

P.C. :-

1. We have heard the learned counsel for the parties.

2. The petitioner challenges the order dated 12th December, 2006 passed by the Special Judge under the MCOC Act, 1999, Greater Bombay in Miscellaneous Application No.278 of 2006 in MCOC Special Case No.3 of 2003. It is pointed out by Mr.Borulkar the learned PP for the State that the said order is an appealable order under Section 12 of the MCOC Act, 1999. Mr.Kazmi, the learned counsel for the petitioner seeks permission to withdraw the present

Petition with liberty to file an Appeal.

3. Mr.Kazmi further states that the Appeal has to be filed within 30 days from the date of the judgment and in view of the fact that the petitioner has filed the present Petition believing that it is the correct remedy the Appeal is likely to be time barred. Needless to say that, since the petitioner has bonafide filed the instant Writ Petition believing that it is the correct remedy, the Court seized of the Appeal will consider the application for condonation of delay in accordance with law and bearing this in mind.

4. Writ Petition is allowed to be withdrawn with liberty as prayed.

[SMT.RANJANA DESAI, J.]

[SMT.V.K.TAHILRAMANI, J.]